

MEMORANDUM

March 30, 1972

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert T. Kenney, Director  
SUBJECT: BOARD OF APPEAL REFERRALS

TABLED 3/16/72

Petition No. Z-2437  
Odgen Suffolk Downs, Inc.  
177 Waldemar Avenue,  
East Boston

Petitioner seeks a conditional use to convert a portion of the existing grandstand facility to a terraced restaurant in a general business (B-1) district. The proposal violates the code as follows:

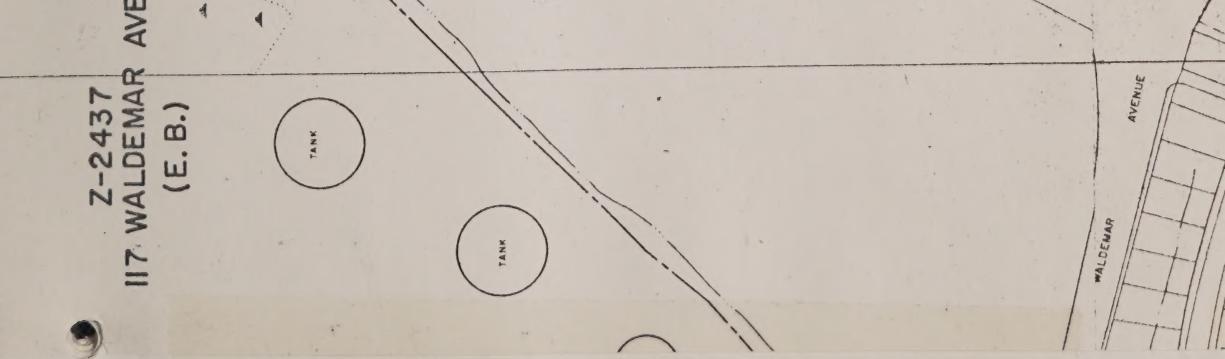
Section 8-6. A change in a conditional use requires a Board of Appeal hearing.

The property, located on Waldemar Avenue, contains a race track. The restaurant facility, which is almost completed, will accommodate approximately 280 people. Technically, the restaurant is an allowed use in a B-1 district, however, any structural change in the pre-existing conditional use sports facility requires a public hearing before the Board of Appeal. The proposal will comply with Section 6-3 of the Code (conditions required for approval). Recommend approval.

VOTED: That in connection with Petition No. Z-2437, brought by Odgen Suffolk Downs, Inc., 117 Waldemar Avenue, East Boston, for a conditional use to convert a portion of the existing grandstand facility to a terraced restaurant in a general business (B-1) district, the Boston Redevelopment Authority recommends approval. The proposal will comply with the conditions required for approval under Section 6-3 of the Code.

Z-2437  
117 WALDEMAR AVE.  
(E. B.)

CITY OF REVENGE  
CITY OF BOSTON



Board of Appeal Referrals 3/30/72

Petition No. Z-2412  
Prime Supermarket, Inc.  
5-9 Livingstone Street &  
6 Frontenac Street, Dorchester

Petitioner seeks a conditional use for a change of occupancy from light assembly of electronic components, packaging of household detergents and sale of used cars to light assembly of electronic components, packaging of household detergents, sale of used cars, business and repair garage in a general business (B-1) district. The proposal violates the code as follows:

Section 8-7. A repair garage is a conditional use in a B-1 District.

The property is located between Frontenac and Livingstone Streets a half block from Blue Hill Avenue. Essentially, this petition would legalize the existing repair garage occupancy. The staff has no objection provided all repair activities and related parking are kept entirely within the building. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-2412, brought by Prime Supermarket, Inc., 5-9 Livingstone Street and 6 Frontenac Street, Dorchester, for a change of occupancy from light assembly of electronic components, packaging of household detergents and sale of used cars to light assembly of electronic components, packaging of household detergents, sale of used cars, business and repair garage in a general business (B-1) district, the Boston Redevelopment Authority recommends approval provided all repair activities and related parking are kept entirely within the building.

Z-2412  
5-9 LIVINGSTON ST.  
6 FRONTENCE ST.  
(MATT.)



Petitions Nos. Z-2415-2418  
Claremont Park Associates  
27-31 Claremont Park &  
39 Greenwich Park, Boston

Petitioner seeks three conditional uses, a forbidden use and four variances for a change of occupancy in each of four structures from a single family dwelling to a four family dwelling in an apartment (H-2) district. The proposal violates the code as follows:

<u>27 Claremont Park</u>	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families and meeting at least one half the open space requirement is conditional in an H-2 district.		
Section 17-1. Open space is insufficient. 150 sf/du		98 sf/du

<u>29 Claremont Park</u>	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families and meeting at least one half the open space requirement is conditional in an H-2 district.		
Section 17-1. Open space is insufficient. 150 sf/du		102 sf/du

<u>31 Claremont Park</u>	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families and not meeting at least one half the open space requirement is forbidden in an H-2 district.		
Section 17-1. Open space is insufficient. 150 sf/du		71 sf/du

<u>39 Greenwich Park</u>	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families and meeting at least one half the open space requirement is conditional in an H-2 district.		
Section 17-1. Open space is insufficient. 150 sf/du		81 sf/du

The properties, located on Claremont Park and Greenwich Park near the intersection of Claremont Street, contain four, three story and basement structures. It is proposed to restore the exterior and convert the interior of each 1 family structure to a 4 family structure. The staff recommends the following provisos:

1. That rehabilitation not commence until a transportation restudy of the existing railroad corridor is completed and made public within the next six months. If the right of way is widened, these properties may very well be affected.
2. That the required off street parking be provided proximate to the development.
3. Rehabilitation plans be submitted to the Authority for design review.

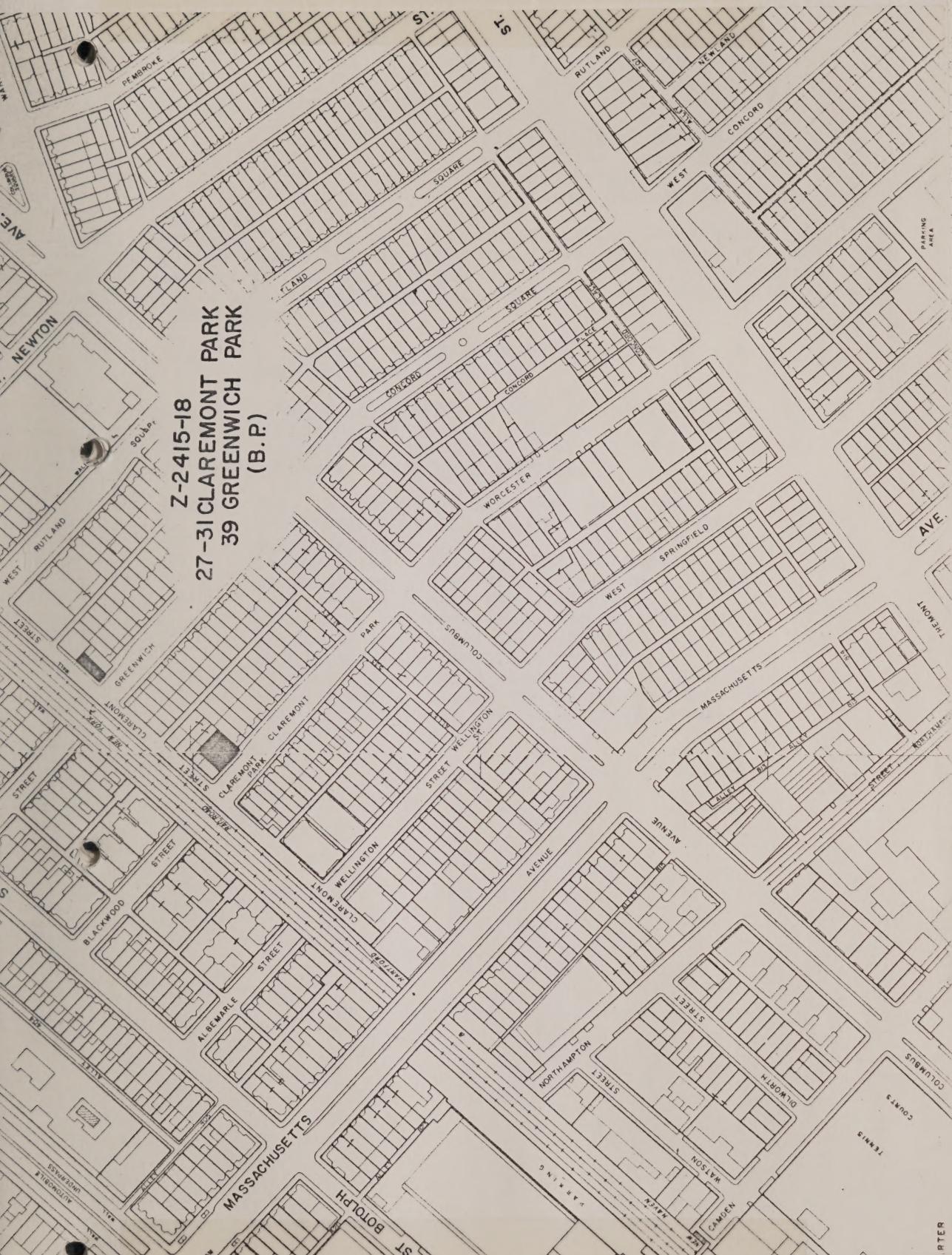
Recommend approval with proviso.

Board of Appeal Referral Nos. Z-2415-2418

VOTED: That in connection with Petitions Nos. Z-2415-2418, brought by Claremont Park Associates, 27-31 Claremont Park and 39 Greenwich Park in the South End Urban Renewal Area, for three conditional uses, a forbidden use and four variances for a change of occupancy in each of four structures from a single family dwelling to a four family dwelling in an apartment (H-2) district, the Boston Re-development Authority recommends approval with the following provisos:

1. That rehabilitation not commence until a transportation restudy of the existing railroad corridor is completed and made public within the next six months. If the right-of-way is widened, these properties may very well be affected.
2. That the required off street parking be provided proximate to the development.
3. Rehabilitation plans be submitted to the Authority for design review.

Z-2415-18  
27-31 CLAREMONT PARK  
39 GREENWICH PARK  
(B.P.)



Board of Appeal Referrals 3/30/72

Petitions Nos. Z-2423-2424  
Westchester Realty Trust  
116-120 Brighton Avenue &  
77A Linden Street, Allston

Petitioner seeks a change in a non-conforming use for a change of occupancy from garage, repair shop, warehouse and storage of automotive supplies to storage, wholesale and retail sale of automotive supplies in a general business (B-1) district. The proposal violates the code as follows:

Section 9-2. A change in a non-conforming use requires a Board of Appeal hearing.

The properties, located on Brighton Avenue and Linden Street, contain one-story commercial structures. The proposed conversion will be consistent with the general retail nature of the area. There will be no structural changes. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-2423-2424, brought by Westchester Realty Trust, 116-120 Brighton Avenue and 77A Linden Street, Allston, for a change in a non-conforming use for a change of occupancy from garage, repair shop, warehouse and storage of automotive supplies to storage, wholesale and retail sale of automotive supplies in a general business (B-1) district, the Boston Redevelopment Authority recommends approval. The proposed conversion will be consistent with the general retail nature of the area.

Z-2423-24  
116-120 BRIGHTON AVE.  
(BRL.)

Board of Appeal Referrals 3/30/72

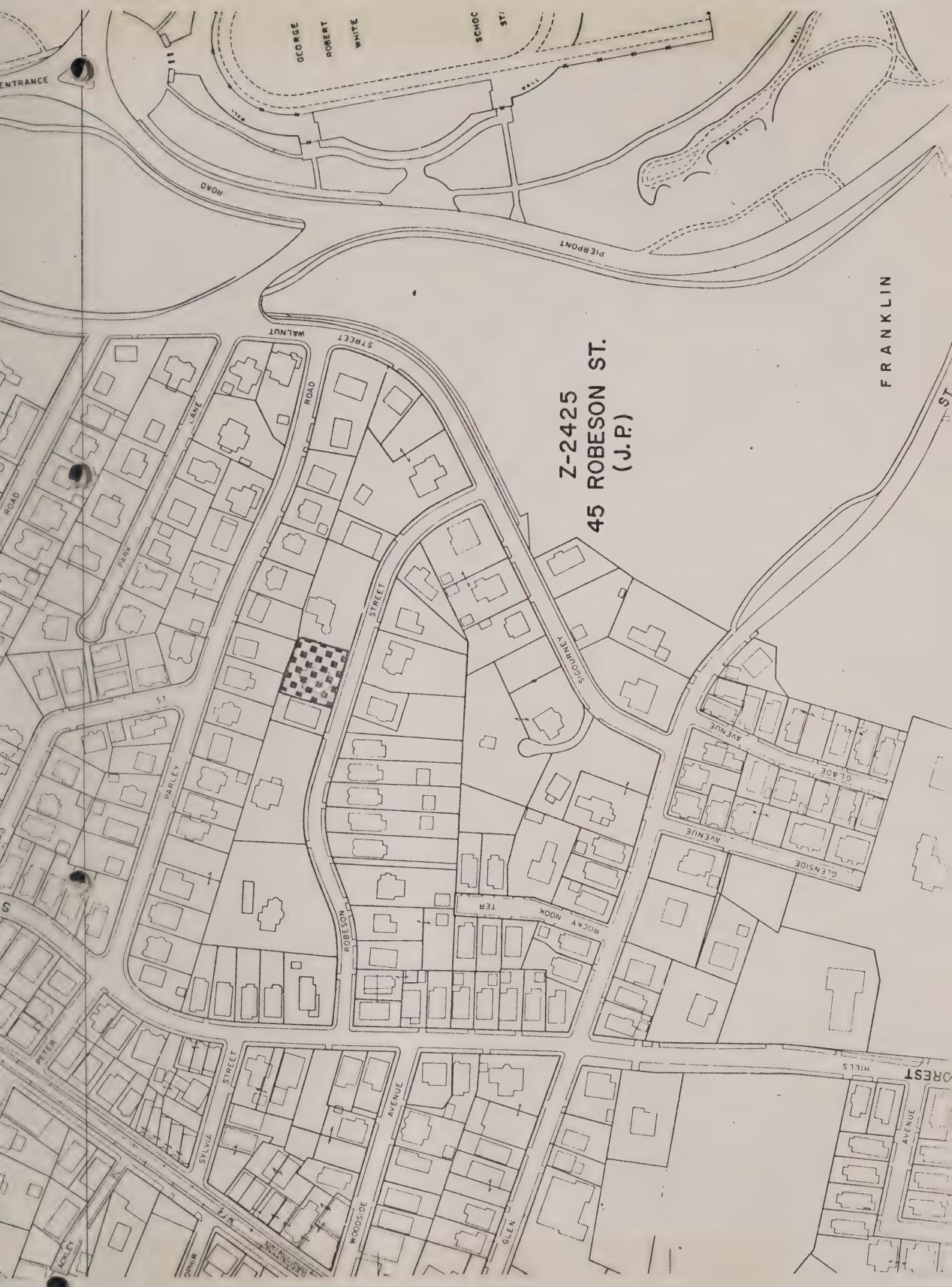
Petition No. Z-2425  
Irene DeLuca  
45 Robeson Street  
Jamaica Plain .

Petitioner seeks a forbidden use and a variance for a change of occupancy from a single family dwelling to a fraternity house in a single family (S-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A fraternity house is forbidden in an S-.5 district.		
Section 14-2. Lot area for additional unit is insufficient.	4000 sf/du	753 sf/du

The property, located on Robeson Street near the intersection of Journey Street, contains a 2½ story frame structure. Accommodations would be provided for 12 students (Northeastern University). The students are presently occupying the structures as tenants (roomers). This institutional encroachment into a residential neighborhood is undesirable, contrary to the Mayor's educational institution policy statement and a blighting influence. The Board of Appeal concurred with the Authority's denial of a similar petition in November, 1970. Recommend denial.

VOTED: That in connection with Petition No. Z-2425, brought by Irene DeLuca, 45 Robeson Street, Jamaica Plain, for a forbidden use and a variance for a change of occupancy from a single family dwelling to a fraternity house in a single family district, the Boston Re-development Authority recommends denial. The proposed institutional encroachment into a residential neighborhood is undesirable, contrary to the Mayor's educational institution policy statement, and a blighting influence.



Z-2425  
45 ROBESON ST.  
(J.P.)

Board of Appeal Referrals 3/30/72

Petition No. Z-2426  
Richard H. & Barbara H.  
Fitzpatrick  
115 Arlington Street,  
Brighton

Petitioner seeks a variance to erect a one family dwelling in a residential (R-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 19-1. Side yard is insufficient.	10 ft.	5 ft.

The property, located on Arlington Street near the intersection of South Hobart Street, contains 5,775 square feet of land. The minimal side yard violation will not affect adjacent properties. Recommend approval.

VOTED: That in connection with Petition No. Z-2426, brought by Richard H. & Barbara H. Fitzpatrick, 115 Arlington Street, Brighton, for a variance to erect a one-family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. The minimal side yard violation will not affect adjacent properties.

Z-2426  
115 ARLINGTON ST.  
(BRI.)



Petitions Nos. Z-2427-2428  
John J. Primo et al &  
Mary Merisicano et al  
28-28½ & 35 Myrtle Street  
Boston

Petitioners seek a change in a non-conforming use for a change of occupancy from nine apartments and laundry to nine apartments and restaurant at #28-28½ and from nine apartments and restaurant to nine apartments and real estate office at #35 in an apartment (H-2-65) district. The proposal violates the code as follows:

Section 9-2. A change in a non-conforming use requires a Board of Appeal hearing (2 violations).

~~Two~~ properties, located on Myrtle Street between Joy and South Russell Streets, contain two, five-story structures. The Beacon Hill Civic Association has no objection provided that the area surrounding the restaurant is kept free from debris at all times. The staff concurs with the BHCA. Recommend approval with proviso.

VOTED: That in connection with Petitions Nos. Z-2427-2428, brought by John J. Primo et al & Mary Merisicano et al, 28-28½ & 35 Myrtle Street, Boston, for a change in a non-conforming use for a change of occupancy from nine apartments and laundry to nine apartments and restaurant at #28-28½ and from nine apartments and restaurant to nine apartments and office at #35 in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval provided that the area surrounding the restaurant is kept free of debris at all times.

Z-2427-28  
28-28½ & 35 MYRTLE ST  
(B.P.)



Petition No. Z-2436  
Geoffrey P. Morris  
598 East Fourth Street,  
South Boston

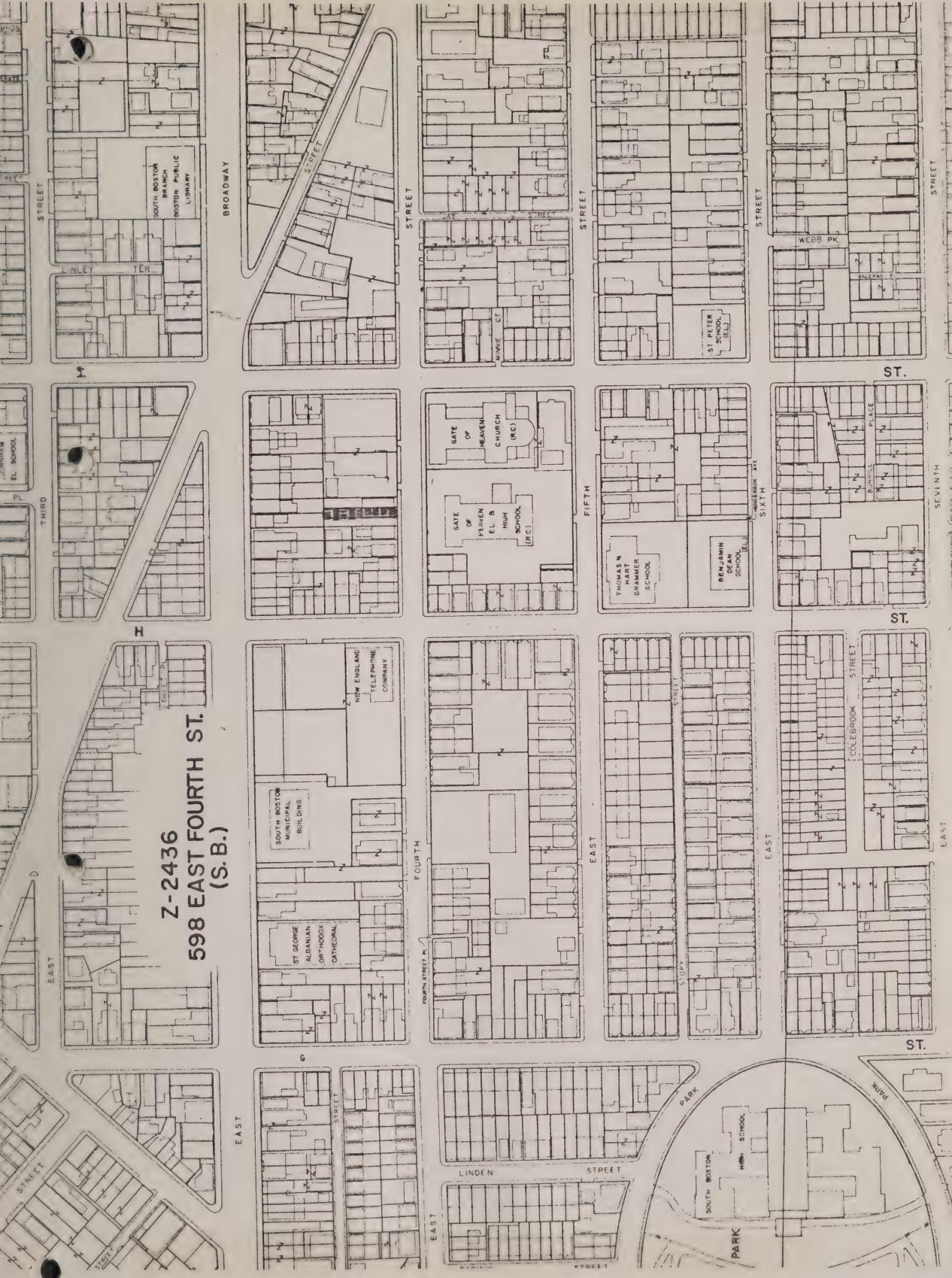
Petitioner seeks a forbidden use and two variances for a change of occupancy from a two family dwelling to a three family dwelling in an apartment (H-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A dwelling converted for more families and not meeting at least one half the requirements of lot area for additional dwelling unit is forbidden in an H-1 district.	
Section 14-2.	Lot area for additional dwelling unit is insufficient.	1000 sf/du 0
Section 17-1.	Open space is insufficient.	400 sf/du 341 sf/du

The property, located on East Fourth Street near the intersection of I Street, contains a three story brick structure. The proposed conversion will be consistent with the existing neighborhood density. Recommend approval.

VOTED: That in connection with Petition No. Z-2436, brought by Geoffrey P. Morris, 598 East Fourth Street, South Boston, for a conditional use and two variances for a change of occupancy from a two family dwelling to a three family dwelling in an apartment (H-1) district, the Boston Re-development Authority recommends approval. The proposed conversion will be consistent with the existing neighborhood density.

Z-2436  
598 EAST FOURTH ST.  
(S.B.)



Petitions Nos. Z-2438-2439  
Galer Realty  
219-223 Park Drive, Boston

Petitioner seeks two forbidden use permits and six variances for a change of occupancy from 20 to 25 apartments and from 20 to 24 apartments in an apartment (H-2) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
<u>219 Park Drive</u>		
Section 8-7.	A dwelling converted for more families and not meeting one half the requirements of off street parking is forbidden in an H-2 district.	
Section 15-1.	Floor area ratio is excessive.	2.0
Section 17-1.	Usable open space is insufficient.	150 sf/du
Section 23-1.	Off street parking is insufficient.	144 sf/du
		4 spaces
<u>223 Park Drive</u>		
Section 8-7.	A dwelling converted for more families and not meeting one half the requirements of off street parking is forbidden in an H-2 district.	
Section 15-1.	Floor area ratio is excessive.	2.0
Section 17-1.	Usable open space is insufficient.	150 sf/du
Section 23-1.	Off street parking is insufficient.	113 sf/du
		3 spaces

The properties, located on Park Drive at the intersection of Queensberry Street, contain two, four-story and basement apartment structures. The off street parking deficiency would only intensify the existing critical traffic problems in the area. Basement apartments are not conducive to sufficient light and air. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-2438-2439, brought by Galer Realty, 219-223 Park Drive, Boston, for two forbidden use permits for a change of occupancy from 20 to 25 apartments and from 20 to 24 apartments in an apartment (H-2) district, the Boston Redevelopment Authority recommends denial. The off street parking deficiency would only intensify the existing critical traffic problems in the area. Basement apartments are not conducive to sufficient light and air.

Z-2438-39  
219-223 PARK DRIVE  
(B.P.)



Petitions Nos. Z-2441-2442  
Chevron Oil Company  
241 Market Street & 5  
Washington Street, Brighton

Petitioner seeks a conditional use and two variances to erect a one story inspection bay addition to a gasoline service station in a local business (L-.5) district and a conditional use to erect a pump island and canopy addition to a gasoline service station in a local business (L-1) district. The proposal violates the code as follows:

241 Market Street

Section 8-7. A gas station is conditional in an L-.5 district.  
Section 18-1. Area light and sign are located within required front yard (Market Street).  
Section 18-4. Area lights are within required front yard (Faneuil Street).

5 Washington Street

Section 8-6. A change in a conditional use requires a Board of Appeal hearing.

The properties, located at the intersections of Market and Faneuil Streets and Washington and Corey Streets, contain two gas service stations. The staff has no objection to the proposed improvements provided they comply with the Board of Appeal guidelines for gas service stations. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-2441-2442, brought by Chevron Oil Company, 241 Market Street and 5 Washington Street, Brighton, for a conditional use and two variances to erect a one story inspection bay addition to a gasoline service station in a local business (L-.5) district and a conditional use to erect a pump island and canopy addition to a gasoline service station in a local business (L-1) district, the Boston Redevelopment Authority recommends approval, provided that the proposed improvements comply with the Board of Appeal guidelines for gas service stations.





Z-2442  
5 WASHINGTON ST.  
(BRI.)

Petition No. Z-2443

Dalton Associates & Boston Edison Co.  
40 Dalton Street & 19-27 Scotia St.  
Boston

Petitioner seeks five variances to erect a 30 story theatre, garage, hotel and office building in a general business (B-2) district. The proposal violates the code as follows:

		<u>Reg'd</u>	<u>Proposed</u>
Section 15-1.	Floor area ratio is excessive.	2.0	8.2
Section 20-1.	Rear yard is not provided.	10 ft.	0
Section 21-1.	Setback of parapet is insufficient.	18.4 ft.	0
Section 23-7.	Off street parking is insufficient.	488 spaces	447 spaces
Section 24-1.	Off street loading is insufficient.	4 bays	3 bays

The property is bounded by Dalton, Scotia and Belvidero Streets opposite the Sheraton Boston Hotel and the Hynes Auditorium in the Fenway Urban Renewal Area. It is proposed to erect a 30 story building consisting of two motion picture theatres, shops, six levels of parking, twelve stories for hotel use including restaurant and function room facilities and ten stories for office use. The staff recommends that the petitioner complete the three remaining stages of the design review process as outlined in the vote. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-2443, brought by Dalton Associates & Boston Edison Company, 40 Dalton & 19-27 Scotia Streets, in the Fenway Urban Renewal Area, for five variances to erect a 30 story theatre, garage, hotel and office building in a general business (B-2) district, the Boston Redevelopment Authority recommends approval provided the petitioners submit the following at the three stages of the design review process: (1) final preliminaries and outline specs (plans and sections, elevations, wall sections, details, building model); (2) preliminary working drawings; (3) final contract drawings and specifications.

